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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 MARY ANNE DIVALD, individually

Case No. 3:13-cv-00199-MMD-VPC

10 v. Plaintiff,

11 JAMES K. SALAY, individually, ORDER

12 Defendant.

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15 This action involves alleged improper and fraudulent conduct relating to
16 distribution of estate funds. Plaintiff alleges that defendant, her uncle, fraudulently
17 induced plaintiff's mother and defendant's sister to sign over to defendant distributions
18 belonging to plaintiff. Plaintiff seeks default judgment while defendant moves to set
19 aside clerk's entry of default.

20 Defendant, who is proceeding pro se, claims that he did not timely appear
21 because he did not realize the action had not been dismissed. Defendant claims he
22 relied on Plaintiff's representation in a conversation about her mother's mental state that
23 the lawsuit would be dropped. Defendant seeks a twenty (20) day extension of time for
24 him to retain counsel to respond to the Complaint. Plaintiff questions Defendant's
25 credibility, particularly given the lack of details about the conversation. Plaintiff argues
26 that Defendant has intentionally engaged in delay and asks for certain conditions to be
27 imposed if the Court were to set aside the default. However, the Court finds that in light
28 of Defendant's pro se status, good cause exists to set aside the default.

1 It is therefore ordered that Plaintiff's Motion for Default Judgment (dkt. no. 14) is
2 denied. It is further ordered that Defendant's Motion to Set Aside Clerk's Entry of Default
3 (dkt. no. 15) is granted. Defendant shall have until December 12, 2013, to respond to
4 the Complaint.

5 DATED THIS 18th day of November 2013.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE